

# MEETING SUMMARY

## GOLDEN TRIANGLE REGULATORY IMPLEMENTATION

Date: June 25, 2020  
Meeting Info: June 18, 2020, 3:00-5:00 pm, virtual meeting  
Subject: Advisory Committee Meeting #8

---

### Attendance

- **Advisory Committee**
  - Present: Kristy Bassuener, Chris Carvell, Pete Dikeou, CM Chris Hinds, Charlie Hunt, Scott Johnson, Anne Lindsey, Laura Liska, Chris Parezo, Adam Perkins, Cherry Rohe, Jeff Samet Brent Snyder, Susan Stanton, Liz Zukowski
  - Not present: Charlie Hunt, Rhonda Knop, Byron Zick
- **City Staff**
  - CPD – Abe Barge, Lilly Djanians, Kristofer Johnson, Krystal Marquez, Fran Penafiel, Bridget Rassbach

### Meeting Summary

#### 1. Outcomes from Previous AC Meeting

- Summarized and confirmed the major takeaways from Meeting #7 on May 21
  - Continue to move forward but will take the time we need to make sure we get it right
  - The DSG process is moving ahead and noting that there is value in adopting DSG's together with Zoning although technically they could be separate. An important topic of discussion will be considering the GTCD committee's role in the future once DSG's are adopted and Downtown Design Advisory Board oversees design review for GT
  - Limiting height in the neighborhoods (and particularly in the southern portion) in response to concerns about impacting views may not be appropriate
    - Lack of policy guidance in GT Neighborhood Plan or Blueprint to treat southern portion of the neighborhood differently
    - Unfair to restrict property owners in that area without clear policy rationale
    - Benefits to neighborhood priorities from Point Tower may outweigh limited risks to views

#### 2. Stakeholder Summary – Draft

- Reviewed the draft summary prepared at the request of the Advisory Committee to explain the zoning project and proposed changes in clear language. Additional comments from attendees included:
  - Provide examples of what certain developers could do to get a higher FAR on a building, how to go from 4 FAR to 9 FAR. There's too much misinformation that's spreading, include a few pointers that addresses how incentives (and which incentives) can increase your FAR today and in the proposed? Providing a list of current incentives will put into context with future incentives.
  - Provide clarification of how any property will be affected, making sure we compare apples to apples from existing to proposed
  - For building heights indicate approximate number of stories, although can vary, but will help people to understand how tall a building could be

- Explain that buildings towards Speer Blvd can be taller due to change in ground elevation relative to Broadway
- Pete Dikeou sent some additional comments on how to improve this summary and we will address his suggestions in the final document

### 3. Feedback on Preliminary Framework

- Identified the major topics that came out of the feedback provided on the preliminary zoning framework.
- Reviewed the high-level goals to be achieved in the preliminary framework including those identified through public and Advisory Committee input and some internal CPD goals. Important for CPD was to incorporate lessons learned from other recent base/incentive systems.
- Discussed some key lessons learned from 38<sup>th</sup>/Blake system (2017/18)
  - Base was established at same level as original zoning (2-8 stories)
  - Incentive potentially adds 50-160% over original zoning (16-story max)
  - Mathematical formula determines affordable housing requirement to qualify for incentives
- Discussed key lessons learned from CPV-Auraria system (2018/19)
  - Base was established much lower than original zoning (16+ stories down to 5 stories)
  - Incentive potentially adds 25-100% over original zoning (no max height, but FAR limit on office towers)
  - Mathematical formula determines affordable housing requirement to qualify for incentives. Note, large projects are required to negotiate affordable housing agreement using formula as a baseline.
- Reviewed the major takeaways from comparing these two recent Base/Incentive systems
  - Substantial increases in density were supported by adopted plans (city wide and neighborhood level) and both had proximity to major transit facilities
  - Incentives focus solely on affordable housing
  - Setting the Base too high or not making incentive valuable enough can lead to underutilization and lack of community benefits
    - Only half of projects in 38th & Blake area utilize incentive height, so not achieving the intended affordable housing and sacrificing potential increased density near transit
    - CPV-Auraria framework outcomes are substantially higher than 38th & Blake average because of lower base threshold and higher mathematical formula
  - If we set the base too low, we can compromise the opportunity for development altogether, and therefore calibrating this number correctly is important to get it right
- Identified topics for further study and proposed a process to work through them
  - Propose to convene a smaller group in a few weeks to dive into more details and analysis. All are welcome, but not required.
  - Report back to full Advisory Committee in July and August.
  - Question was raised by the Committee to better understand the scope and progress of the city-wide affordable housing program, and to that we'd like to explore if GT should be implementing any affordable housing program in advance of the city-wide program?
    - Staff responded that originally the timeframe between these two projects was different and therefore had included the negotiated agreement approach as a relatively simple placeholder for an interim period. However, over the last several months those schedules are becoming better aligned. We want to avoid an overly complicated and custom GT system that would later be superseded by city-wide incentive. Now that the schedules are better aligned, we can basically reflect exactly what the city-wide program is proposing, so when that comes online it's consistent with the GT amendment.

#### 4. Zoning Standard Refinements

- **Upper Story Massing:** staff reviewed why upper story massing requirements are important and the public input received that indicates a strong preference for these standards
  - Standard is being proposed to address neighborhood concerns about overly bulky buildings
  - Massing shifts help provide a sense of human scale as a pedestrian
  - Perception of space and scale can greatly vary when walking along 3 or 5-story building vs 16-20 stories
  - Upper story massing changes can also mitigate sun, shadow, and wind impacts at the street level caused by taller buildings
  - Online survey responses clearly indicate strong support for upper story massing shifts (74%)
- Staff explained several different approaches to achieve upper story massing shifts
  - Can require a “stepback” or “setback.” Stepbacks are measured from the face of the building while setbacks are measured from the property line. Setbacks can allow for increased space at the street level that also provide compliance with the upper story massing shift.
  - Upper story massing shift can be required across entire building frontage or across only a portion of frontage
  - Upper story massing shifts can be required at different heights along the building face
    - Street Enclosure = sense of enclosure, activity, and comfort is related to the height of streetwall as compared to the width of the right-of-way (the space between buildings across the street, includes sidewalk and road)
    - Typically, a 60%-100% ratio (height/width) is appropriate and provides a comfortable sense of enclosure
    - Street trees are a critical component on all ROW's and are especially important where buildings are tall (ie, ratios are greater than 100%) and also on very wide streets (ie, ratios are lower than 60%).
- Upper story setbacks are applied in other Downtown and higher-intensity zone districts including Arapahoe Square (D-AS-12+/20+), CPV-Auraria (D-CPV-T/R/C), and Urban Center (C-MX/MS)
- Feedback received on upper story massing shifts are that they can be too restrictive or too costly, especially on small lots, and may detract from desire for variety.
  - Staff propose to address these comments through the following:
    - Only require shifts on Wide lots or taller projects
    - Allow flexibility on where the shift can occur:
    - Height & Amount along the frontage
    - Utilize setback rather than stepback which would provide better flexibility and enhance street enclosure ratio
- Upper Story Setback Proposed Concept
  - Use Upper Story Setback for greater flexibility
  - Only apply an upper story setback to Wide lots (greater than 150 feet) or projects more than 5 stories on Standard lots (75-150 feet)
  - Calibrate setbacks based on ROW widths (the wider the street the taller streetwall)
    - Greater than 90 feet wide – Broadway, Lincoln and Speer
    - Bannock and most of the east-west streets are 75-80'
    - Acoma and most of the north-south streets are 70' or less
  - Wider Streets = taller streetwall height (5-8 stories) and lower width requirement (0-65% of frontage)
  - Narrower Streets = shorter streetwall height (3-5 stories) and greater width requirement (65-100% of frontage)
  - Setbacks are not required to be taken at those heights and can be taken lower, these are maximum streetwall heights
- Comments on the Proposed Concept

- Byron provided written comments in advance of the meeting and supported the idea of lower heights along narrow streets, but wanted to see a maximum of 5 story along Broadway
- Question: Is the assumption that we're taking 100% of the building frontage or is it a percentage of the streetwall that setting back?
  - Answer: *we have been proposing for a portion of the frontage to be required, not entire streetwall – other zone district require 65% or roughly 2/3 of the building, and even then, it doesn't need to be continuous, it can be broken up into segments.*
  - Answer: *On some special streets like Acoma, due to the pedestrian character of that street, we may want to consider continuous setback for the entire street wall.*
- Question: Wrapped parking – where is the threshold of where parking stops and other uses begin? In locations where height would be lower, like 3 stories, is it worth requiring a setback of 15' only to expose a garage? Worth studying to assure we're not exposing parking that otherwise would have been wrapped.
  - Answer: *Agreed, we would not prefer a building shifting back only to expose a parking garage and should be studied*
- Question: At Acoma, why are we proposing a 40% ratio, that is lower than the desired ratio?
  - Answer: *Acoma is currently proposed for about 55% enclosure ratio, the 40% would be only if you decided to take the setback at the 2<sup>nd</sup> story, which would be fairly low.*
  - Answer: *We're looking at Acoma as a linear park (a green corridor) which is why we we're proposing a 3 story setback.*
- Question: How deep will these setbacks be?
  - Answer: *Currently Arapahoe Square has 10 foot setback, while CPV-Auraria has 15 foot setback which is better aligned with wrapped parking. A 10 foot setback doesn't create as significant of a shift as 15 foot does.*
- Question: Will we be measuring in stories or in feet?
  - Answer: *Both feet and stories are used to administer (typically it was based on stories, but because of the varied floor to floor height between office and residential buildings, we've also included a measurement based in feet.)*
- Comment: *Consider also the fire code requirements and see if there could be an alignment with that.*
- Comment: *Other members chimed in keeping both feet and stories is appropriate given that we can get lofts that count as one story but are double height.*
- Comment: Contrary to Byron's comment, don't mind taller buildings, above 5 story, along Broadway
- Comment: keep in mind that Speer Blvd is a historic parkway has special setback for buildings above 100 feet
- Question: Setback should be thought of in relation to the depth of their lots, for lots that are unusually small in depth, it may compromise building capacity. Also what happens if a project only wants to build 5 stories where a 3-story setback applies? Would they have to shift the building for only 2 stories?
  - Answer: *Several months ago, we discussed whether setbacks would apply to smaller lots and agreed to not apply the setback to small lots less than 75 feet wide*
  - Answer: *May want to consider allowing buildings up to 8 stories without an upper story setback on medium size lots (75-150 feet)*
- Question: Don't want to compromise extruded tall corners at intersections.
  - Answer: *There's a way to reconfigure setbacks, by taking a deeper setback in one area, which would allow for flexibility on those streets that may require 100% setback requirement.*

- Question: If upper story setback is only applied to north-south streets, what happens if a building is on the corner, how does that get reconciled?
  - Answer: *Typically, the more restrictive of the zoning standard applies, but we will have to figure that out.*
- Question: solar access to east west streets, especially important for the north facing facades. Understanding that the southern portion will be in shadow no matter what we do.
- Question: What is the city's attitude in vacating alleys in the GT?
  - Answer: *DOTI has a low appetite in vacating alleys – because we're trying to use them for vehicular access in order to avoid multiple curb cuts along the streets, and provide access for services*
- Question: Flexibility in build to requirements – how does that impact when we pull the building back? Is the stepback associated with property line or building footprint?
  - Answer: *The upper story setback is measured from the property line. We are planning to increase the range that's allowed for the build to from 0' – 5' to 0'-10', and thinking we may allow private open space as an alternative. Private open space has minimum depth of 15 feet. There essentially wouldn't be an upper story setback because you've already applied the setback at the street.*
- Question: *Is a city still considering whether we're using stepback or setback?*
  - Answer: *We are proposing a "setback" to allow greater flexibility and be consistent with other Downtown zone districts*
- **Street-level Open Space:** staff reviewed the background and reasoning for an open space requirement on large projects
  - Standard is being proposed to address neighborhood desire for additional public gathering spaces and activity at the street level
  - Provides respite in urban environment particularly along streets with increasing density and building height
  - Online survey responses indicate clear support for street level open space (59%)
- Open space requirements exist in other zone districts including CPV-Auraria (D-CPV-T/R/C), Cherry Creek North (C-CCN), and the River North Design Overlay (DO-7)
- Feedback received on open space requirement are that small open spaces will encourage loitering and unsafe conditions
  - Staff proposed to address this feedback through the following:
    - There are minimum dimensions requirements to assure usability and quality of open spaces, so long thin slivers or unusable spaces are not allowed
    - DSG's and design review process informs quality of the spaces, relationship to indoor active uses, safety aspects, etc.
    - Consider alternative compliance for open space
- Staff initially considered open space requirements only on the largest lots (>250 feet), but this results in very few (4-5) opportunities for open space to be provided
- Street Level Open Space Proposed Concept
  - Requiring open space on lots >150 feet results in several more opportunities (up to 12 based on current lot sizes)
  - Still results in usable spaces (5% of lot area = ~1000 sf min)
  - Aligns better with our current building form/lot size thresholds
  - Consider other design standards (ie, non-residential uses) as alternative compliance for open space and vice-versa to allow greater flexibility for site-based decision-making
- Comments on the Proposed Concept
  - Question: Is the intent to allow people to use private property as an open space area, or is the intent a reaction to build to requirements that currently exists so that you have something that is more interesting throughout the neighborhood? Everyone wants more parks, but these are not parks. These tend to be little notches within a building. Can you

explain the intent better? Are we trying to create public gathering spaces on people's private property?

- **Answer:** *Synergy of creating an opportunity for enhanced landscaping and interesting moments in the urban landscape. The neighborhood would love to see an actual park that is owned and managed by the Parks department, but in the absence of that opportunity, we're looking for ways to create moments that provide respite through open spaces, it's intended that these would feel as part of the public realm.*
- **Question:** Regarding the Open Space concept with enlarging the built to at street level, as an interesting space- but there's also other ways to have open space, does it only have to be accessed from the public or can you do multiple levels above as amenity space for the building to use that will be raised open spaces? Is there an opportunity to create open space concept at terraces that are intended for the tenants?
  - **The intent of this standard is to make these spaces available to the public at the street level.** Amenity terraces would not fulfill this requirement.
- **Comment:** C. Hinds: - residents in GT are asking for parks and they want a good pedestrian experience. GT is aimed to become a great pedestrian focused district. We see buildings providing these public open spaces on private property, and collectively these spaces will ultimately help raise the value of properties in the neighborhood due to these spaces.
- **Question:** can you give us a list of projects that have created these spaces successfully so that we can go and experience them and have a better understanding of what these may begin to feel like? The intent of these spaces may not create the neighborhood pocket parks that the Parks department want, and what we may end up with is cut up moments in the building that don't really add up to anything in particular.
  - **Answer:** *Yes, we will send you a few examples in the city. The intent is to encourage building to provide some sort of relief from the property line, create a more interesting street wall, and provide activity at the street level. The neighborhood lacks opportunities where small groups can gather outdoors.*
- **Non-residential Active Uses:** staff reviewed the background and reasoning behind the non-residential active use requirement
  - Standard is being proposed to address neighborhood concerns about losing mixed use character at the ground floor
  - Publicly-accessible active uses add activity, vibrancy, and safety to the street
  - Online survey responses clearly indicate a strong desire for non-residential uses across at least a portion of the ground floor (79%)
- Non-residential Active Use Requirements are applied in several zone districts including CPV-Auraria (D-CPV-T/R/C), Downtown Core/Theater District (D-C/TD), and the River North Design Overlay (DO-7)
- Feedback received on non-residential uses is that they need to be located correctly to be successful, otherwise they will remain as vacant spaces and not contribute to the neighborhood
  - Staff proposed to address this feedback through the following:
    - Definition of non-residential uses in zoning code is very broad (does not require retail)
  - Only require non-residential uses on Wide lots (>150 feet)
  - Focus non-residential use requirement on most appropriate locations
  - Consider alternative compliance for non-residential uses
- Non-residential Active Uses Proposed Concept
  - Be consistent with GT Neighborhood Plan to tailor certain streets with different uses and character
  - Require only a portion of frontage (~50%) on Wide lots (>150 feet)

- Focus non-residential active use requirements on Key Streets that have more commercial viability including Broadway/Lincoln, Bannock, and 11<sup>th</sup> Avenue
- Consider open space as alternative compliance
- Comments on the Proposed Concept
  - Comment: like the idea of hierarchy of concentrating retail activities
  - Comment: 13<sup>th</sup> might also make sense as it is a pretty busy street
  - Comment: 13<sup>th</sup> may be difficult for retail given how fast traffic moves along this one way street
  - Comment: Consider including Acoma north of 11<sup>th</sup> due to relationship with the 5280 trail
  - Question: By focusing non-residential uses at these specific streets, it doesn't limit other uses to be applied?
    - **Answer:** *That's right, in these identified streets it will be required for only a portion of the street, and it's only for a certain minimum depth. Other residential uses (primary or accessory) would still be allowed for portions of the frontage.*
  - Question: There are a lot of active uses on the streets today, and that's what is unique in the neighborhood, if we focus non-residential uses on these streets, we could end up losing that fine-grain retail and commercial. So, on other streets do we create an incentive to build those active uses, in order to make sure we maintain those retail sprinkles?
    - **Answer:** *Yes, we can explore this to make sure we maintain that retail diversity all throughout the neighborhood.*
  - Question: Is there a potential that we oversaturate retail along those key streets and end up losing that eclectic and organic feel of ground floor activation across the neighborhood?
  - Question: Lennar has made a conscious effort to activate the streets for our projects in the GT with non-residential uses without any requirement. Is mandating this the right approach, or are we better off with that being more a free form?
    - **Answer:** *Ideally that's what we want to see from every developer, but your group is not developing every project, and our challenge is to guard against the lowest common denominator and assure that the good intent is carried out by all.*

## 5. Next Steps

- On-going Advisory Committee meetings
  - July 16
  - August 20
  - September 17
  - October 15
- Small group meeting re: Base/Incentive
- Revised Framework Report (TBD-Jul/Aug)
- Additional stakeholder outreach
  - Online meeting information and Survey #4 (July/Aug)
  - Present to GTCD Board (July)
  - Virtual Q&A sessions with small groups?

### Action Items

1. Schedule small group discussion to address FAR details
2. Revise and distribute Stakeholder Summary per committee comments
3. Provide examples of private open spaces in other areas of Denver